

BEFORE THE DEPARTMENT OF
NATURAL RESOURCES AND CONSERVATION
OF THE STATE OF MONTANA

* * * * *

IN THE MATTER OF THE APPLICATION)	
FOR BENEFICIAL WATER USE PERMIT)	FINAL ORDER
86867-g40J BY ERVIN J. AND)	
DOREEN P. SHELSTAD)	

* * * * *

The time period for filing exceptions, objections, or comments to the Proposal for Decision in this matter has expired. No timely written exceptions were received. Therefore, having given the matter full consideration, the Department of Natural Resources and Conservation hereby accepts and adopts the Findings of Fact and Conclusions of Law as contained in the May 22, 1996, Proposal for Decision, and incorporates them herein by reference.

WHEREFORE, based upon the record herein, the Department makes the following:

ORDER

Subject to the terms, conditions, restrictions, and limitations specified below, Beneficial Water Use Permit 86867-g40J is hereby granted to Ervin J. and Doreen P. Shelstad to appropriate 280.00 gallons per minute up to 100.00 acre-feet of groundwater per year by means of a well located in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 10, Township 32 North, Range 16 East, Hill County, Montana. The use shall be irrigation of 30.00 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ and 10.00 acres in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 10. The period of use shall be from May 1 through September 30, inclusive of each year. The means of diversion shall be a pump. The priority date shall be March 14, 1994 at 10:20 a.m.

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A. This permit is subject to all prior existing water rights in the source of supply. Further, this permit is subject to any final determination of existing water rights, as provided by Montana law.

B. The issuance of this permit by the Department shall not reduce the Permittee's liability for damages caused by the exercise of this permit, nor does the Department in issuing the permit in any way acknowledge liability for damage caused by the Permittee's exercise of this permit.

C. This right is subject to Mont. Code Ann. § 85-2-505 (1995) requiring all wells be constructed so they will not allow water to be wasted, or contaminate other water supplies or sources, and all flowing wells shall be capped or equipped so the flow of the water may be stopped when not being put to beneficial use. The final completion of the well(s) must include an access port of at least .50 inch so the static level of the well may be accurately measured.

D. This right is subject to the condition that the appropriator shall install an adequate flow metering device to allow the flow rate and volume of water diverted to be recorded. The appropriator shall keep a written record of the flow rate and volume of all waters diverted, including the period of time, and shall submit said records by November 30th of each year and/or upon request to the Havre Water Resources Regional Office at 1708 West 2nd Street, P.O. Box 1828, Havre, MT 59501-1828.

E. If, at any time after this right is issued, a written complaint is received by the Department alleging that diverting

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water from this source is adversely affecting a prior water right, the Department may make a field investigation of the project. If during the field investigation the Department finds sufficient evidence supporting the allegation, it may conduct a hearing in the matter allowing the appropriator to show cause why the right should not be modified or revoked. The Department may then modify or revoke this right to protect existing rights or leave this right unchanged if the hearing officer determines no existing water rights are being adversely affected.

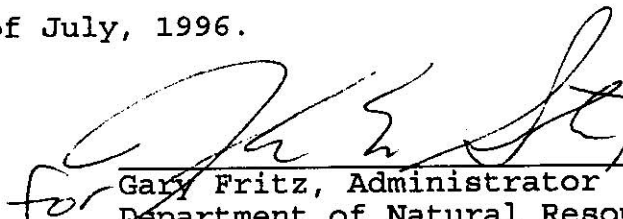
F. Upon a change in ownership of all or any portion of this permit, the parties to the transfer shall file with the Department of Natural Resources and Conservation a Water Right Transfer Certificate, Form 608, pursuant to Mont. Code Ann. § 85-2-424.

NOTICE

The Department's Final Order may be appealed in accordance with the Montana Administrative Procedure Act by filing a petition in the appropriate court within 30 days after service of the Final Order.

If a petition for judicial review is filed and a party to the proceeding elects to have a written transcription prepared as part of the record of the administrative hearing for certification to the reviewing district court, the requesting party must make arrangements with the Department of Natural Resources and Conservation for the ordering and payment of the written transcript. If no request is made, the Department will transmit a copy of the tape of the oral proceedings to the district court.

Dated this 12th day of July, 1996.

for  *Asst. Admin.*
Gary Fritz, Administrator
Department of Natural Resources
and Conservation
Water Resources Division
P.O. Box 201601
Helena, Montana 59620-1601
(406) 444-6605

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing Final Order was duly served upon all parties of record, first class mail, at their address or addresses this 15th day of July, 1996 as follows:

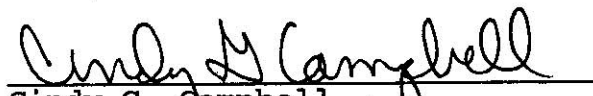
Ervin J. & Doreen P. Shelstad
290 32nd Ave. E
Havre, MT 59501

Clarence & David Lohse
P.O. Box 950
Havre, MT 59501

Bob Larson, Manager
Marvin Cross, CES
Dixie Brough, WRS
Havre Water Resources
Regional Office
1708 West 2nd St.
P.O. Box 1828
Havre, MT 59501
(via electronic mail)

Candace Torgerson
Luxan & Murfitt
P.O. Box 1144
Helena, MT 59624

Vivian A. Lighthizer,
Hearing Examiner
Department of Natural
Resources & Conservation
P.O. Box 201601
Helena, MT 59620-1601


Cindy G. Campbell
Hearings Unit Legal Secretary

BEFORE THE DEPARTMENT OF
NATURAL RESOURCES AND CONSERVATION
OF THE STATE OF MONTANA

* * * * *

IN THE MATTER OF THE APPLICATION)	PROPOSAL
FOR BENEFICIAL WATER USE PERMIT)	FOR
86867-G40J BY ERVIN J. AND)	DECISION
DOREEN P. SHELSTAD)	

* * * * *

Pursuant to the Montana Water Use Act and to the contested case provisions of the Montana Administrative Procedure Act, a hearing was held on April 30, 1996, in Havre, Montana, to determine whether a Beneficial Water Use Permit should be granted to Ervin J. and Doreen P. Shelstad for the above-entitled application under the criteria set forth in Mont. Code Ann. § 85-2-311(1) and (5) (1995).

APPEARANCES

Applicants, Ervin J. and Doreen P. Shelstad appeared at the hearing by and through Ervin J. Shelstad and counsel, Candace Torgerson.

Objectors, Clarence and David Lohse, appeared at the hearing by and through Clarence Lohse.

Roger Freier, Hi-Line Drilling, Inc., appeared at the hearing as a witness for Applicants.

Dixie Brough, Water Resources Specialist and Marvin Cross, Civil Engineering Specialist, both with the Havre Water Resources Regional Office of the Department of Natural Resources and Conservation, attended the hearing.

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EXHIBITS

Applicants presented one exhibit for the record which was accepted without objection.

Applicants' Exhibit 1 consists of two pages and is a letter to Ervin Shelstad from Roger Freier dated March 7, 1994.

Objectors offered no exhibits for the record.

The Hearing Examiner, having reviewed the record in this matter and being fully advised in the premises, does hereby make the following:

FINDINGS OF FACT

1. Application for Beneficial Water Use Permit 86867-g40J in the name of Ervin J. and Doreen P. Shelstad and signed by Ervin J. Shelstad was received by the Department on March 14, 1994, at 10:20 a.m. (Department file.)

2. Pertinent portions of the application were published in the *Havre Daily News*, a newspaper of general circulation in the area of the source, on June 22, 1994. Additionally the Department served notice by first-class mail on individuals and public agencies which the Department determined might be interested in or affected by the proposed appropriation. One timely objection was received and Applicants were notified of that objection by a letter from the Department dated August 5, 1994. (Department file.)

3. Applicants propose to appropriate 280.00 gallons per minute up to 100.00 acre-feet per year of groundwater by means of a well located in the NE~~1~~/~~4~~NE~~1~~/~~4~~NW~~1~~/~~4~~ of Section 10, Township 32 North,

Range 16 East, Hill County, Montana.¹ The proposed use is irrigation of 30.00 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ and 10.00 acres in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 10. The proposed period of use is from May 1 through September 30, inclusive of each year. The proposed means of diversion is a pump.

4. Applicants have proven by a preponderance of evidence there are unappropriated waters in the source of supply at the proposed point of diversion at times when the water can be put to the use proposed by Applicants in the amount Applicants seek to appropriate and that during the period in which Applicants seek to appropriate, the amount requested is reasonably available. Applicants have conducted two pump tests which indicate there is unappropriated groundwater available. (Department file and testimony of Roger Freier and Ervin Shelstad.)

5. Applicants have proven by a preponderance of evidence the water rights of a prior appropriator will not be adversely affected. (Department file.)

6. Applicants have proven by a preponderance of evidence the proposed means of diversion, construction, and operation of the appropriation works are adequate. The production well will be constructed by a licensed water well driller. (Department file and testimony of Ervin Shelstad, Marvin Cross, and Roger Freier.)

¹Unless otherwise stated, all land descriptions in this Proposal are located in Township 32 North, Range 16 East, Hill County, Montana.

7. Applicants have proven by a preponderance of evidence that the proposed use of water, irrigation, is a beneficial use of water. The application of water to the crops increases production which benefits Applicants either by more hay produced to feed to livestock or to sell. (Testimony of Ervin Shelstad.)

8. Applicants have proven the proposed use will not interfere unreasonably with other planned uses or developments for which a permit has been issued or for which water has been reserved. (Department file.)

9. Applicants have proven by a preponderance of evidence that they have a possessory interest, or the written consent of the person with the possessory interest, in the property where the water is to be put to beneficial use. (Department file.)

10. Although objections relative to water quality were filed against this application, Objectors failed to provide substantial credible information establishing to the satisfaction of the Department that the criteria in subsection (1)(g), (h), or (i) as applicable may not be met; therefore, their objection concerning water quality is not valid. There were no objections relative to the ability of a discharge permit holder to satisfy effluent limitations of his permit. (Department file.)

Based upon the foregoing Findings of Fact and upon the record in this matter, the Hearing Examiner makes the following:

CONCLUSIONS OF LAW

1. The Department gave proper notice of the hearing, and all relevant substantive and procedural requirements of law or

rule have been fulfilled; therefore, the matter was properly before the Hearing Examiner. See Findings of Fact 1 and 2.

2. Applicants have met the criteria for issuance of a beneficial water use permit. See Findings of Fact 3 through 10.

WHEREFORE, based upon the foregoing Findings of Fact and Conclusions of Law, the Hearing Examiner makes the following:

PROPOSED ORDER

Subject to the terms, conditions, restrictions, and limitations specified below, Beneficial Water Use Permit 86867-g40J is hereby granted to Ervin J. and Doreen P. Shelstad to appropriate 280.00 gallons per minute up to 100.00 acre-feet of groundwater per year by means of a well located in the NE~~1~~/~~4~~NE~~1~~/~~4~~NW~~1~~/~~4~~ of Section 10, Township 32 North, Range 16 East, Hill County, Montana. The use shall be irrigation of 30.00 acres in the NW~~1~~/~~4~~NE~~1~~/~~4~~ and 10.00 acres in the NE~~1~~/~~4~~NW~~1~~/~~4~~ of Section 10. The period of use shall be from May 1 through September 30, inclusive of each year. The means of diversion shall be a pump. The priority date shall be March 14, 1994 at 10:20 a.m.

A. This permit is subject to all prior existing water rights in the source of supply. Further, this permit is subject to any final determination of existing water rights, as provided by Montana law.

B. The issuance of this permit by the Department shall not reduce the Permittee's liability for damages caused by the exercise of this permit, nor does the Department in issuing the

permit in any way acknowledge liability for damage caused by the Permittee's exercise of this permit.

C. This right is subject to Mont. Code Ann. § 85-2-505 (1995) requiring all wells be constructed so they will not allow water to be wasted, or contaminate other water supplies or sources, and all flowing wells shall be capped or equipped so the flow of the water may be stopped when not being put to beneficial use. The final completion of the well(s) must include an access port of at least .50 inch so the static level of the well may be accurately measured.

D. This right is subject to the condition that the appropriator shall install an adequate flow metering device to allow the flow rate and volume of water diverted to be recorded. The appropriator shall keep a written record of the flow rate and volume of all waters diverted, including the period of time, and shall submit said records by November 30th of each year and/or upon request to the Havre Water Resources Regional Office at 1708 West 2nd Street, P.O. Box 1828, Havre, MT 59501-1828.

E. If, at any time after this right is issued, a written complaint is received by the Department alleging that diverting water from this source is adversely affecting a prior water right, the Department may make a field investigation of the project. If during the field investigation the Department finds sufficient evidence supporting the allegation, it may conduct a hearing in the matter allowing the appropriator to show cause why the right should not be modified or revoked. The Department may

then modify or revoke this right to protect existing rights or leave this right unchanged if the hearing officer determines no existing water rights are being adversely affected.

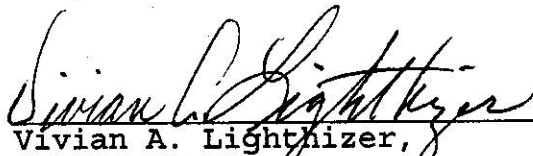
F. Upon a change in ownership of all or any portion of this permit, the parties to the transfer shall file with the Department of Natural Resources and Conservation a Water Right Transfer Certificate, Form 608, pursuant to Mont. Code Ann. § 85-2-424.

NOTICE

This proposal may be adopted as the Department's final decision unless timely exceptions are filed as described below. Any party adversely affected by this Proposal for Decision may file exceptions with the Hearing Examiner. The exceptions must be filed and served upon all parties within 20 days after the proposal is mailed. Parties may file responses to any exception filed by another party. The responses must be filed within 20 days after service of the exception and copies must be sent to all parties. No new evidence will be considered.

No final decision shall be made until after the expiration of the time period for filing exceptions, and due consideration of timely exceptions, responses, and briefs.

Dated this 22nd day of May, 1996.


Vivian A. Lighthizer,
Hearing Examiner
Department of Natural Resources
and Conservation
P.O. Box 201601
Helena, Montana 59620-1601
(406) 444-6615

MEMORANDUM

Although Mr. Lohse appeared at the hearing, he produced no proof that the proposed water use would adversely affect his water right. Mr. Lohse spoke of another appropriator who had problems with the salt content of his irrigation water after pumping for a time. However, further testimony revealed the well had "borderline" salt content when it was drilled and to further complicate the matter, that appropriator's soil contained a high quantity of salt before the irrigation. Mr. Lohse spoke of an odor in his water but he did not know what caused the odor. With no further evidence to support his allegation of adverse effect to water quality, the Department has no choice but to issue a beneficial water use permit to Applicants.

CERTIFICATE OF SERVICE


This is to certify that a true and correct copy of the foregoing Proposal for Decision was duly served upon all parties of record at their address or addresses this 22nd day of May, 1996, as follows:

Ervin J. & Doreen P. Shelstad
290 32nd Ave. East
Havre, MT 59501

Clarence & David Lohse
P.O. Box 950
Havre, MT 59501

Candace Torgerson
Luxan and Murfitt
24 W. 6th Ave.
P.O. Box 1144
Helena, MT 59624

Bob L. Larson, Manager
Marvin Cross, CES
Dixie Brough, WRS
Havre Water Resources
Regional Office
1708 West 2nd St.
P.O. Box 1828
Havre, MT 59501
(via electronic mail)


Cindy G. Campbell
Hearings Unit Legal Secretary

BEFORE THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION
OF THE STATE OF MONTANA

In the matter of the proposed)
amendment of rules 36.12.102,) NOTICE OF PUBLIC
Forms and 36.12.103, Applica-) HEARING
tion and Special Fees)

TO: All Interested Persons

1. On August 22, 1996 at 7 PM a public hearing will be held by the Department of Natural Resources and Conservation in the Lower Floor Conference Room of the USF&G Building, 1625 Eleventh Avenue, Helena, MT to consider the proposed amendments to the above stated rules.

2. The proposed amendments will read as follows: (new material underlined, deleted matter interlined.)

"36.12.102 FORMS (1) The following necessary forms for implementation of the act and these rules are available from the Department of Natural Resources and Conservation, Water Resources Division, 1520 East 6th Avenue 48 N. Last Chance Gulch, PO Box 201601, Helena, Montana, 59620-1601 the water resources regional offices or the county clerk and recorders offices. The department may revise as necessary, the following forms to improve the administration of these rules and applicable water laws:

~~(1)~~ (a) Form No. 600 "Application for Beneficial Water Use Permit" (for groundwater developments in excess of 35 gpm or 10 acre-feet per year and surface water appropriations);

~~(2)~~ (b) Form No. 600A "Supplement to Criteria Addendum, Application for Beneficial Water Use Permit" (for appropriations of less than 4,000 acre-feet and 5.5 cfs);

~~(3)~~ (c) Form No. 600B "Supplement to Criteria Addendum, Application for Beneficial Water Use Permit" (for appropriations of 4,000 acre-feet or more and 5.5 cfs or more);

~~(4)~~ (d) Form No. 600ACF "Supplement to Application for Beneficial Water Use Permit - Upper Clark Fork River Basin Groundwater Appropriations" (for appropriations of less than 4,000 acre-feet and 5.5 cfs);

~~(5)~~ (e) Form No. 600BCF "Supplement to Application for Beneficial Water Use Permit - Upper Clark Fork River Basin Groundwater Appropriations" (for appropriations of 4,000 acre-feet or more and 5.5 cfs or more);

~~(6)~~ (f) Form No. 601 "Permit to Appropriate Water";

~~(7)~~ (g) Form No. 602 "Notice of Completion of Groundwater Development" (for groundwater developments with a maximum use of 35 gpm or less not to exceed 10 acre-feet per year);

~~(8)~~ (h) Form No. 603 "Well Log Report";

~~(9)~~ (i) Form No. 604 "Certificate of Water Right" (for groundwater of 35 gpm or less not to exceed 10 acre-feet per year);

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~~(10)~~ (j) Form No. 605 "Application for Provisional Permit for Completed Stockwater Pit or Reservoir" (maximum capacity of the pit or reservoir must be less than 15 acre-feet);

~~(11)~~ (k) Form No. 606 "Application ~~for~~ to Change of Appropriation a Water Right";

~~(12)~~ (l) Form No. 606A "Supplement to Application ~~for~~ to Change Appropriation a Water Right" (for any change in point of diversion or place of storage and for changes in purpose of use or place of use of less than 4,000 acre-feet and 5.5 cfs);

~~(13)~~ (m) Form No. 606B "Supplement to Application ~~for~~ to Change Appropriation a Water Right" (for changes in purpose of use or place of use of 4,000 or more acre-feet a year and 5.5 cfs or more);

~~(14)~~ (n) Form No. 606ASW "Supplement to Application ~~for~~ to Change of Appropriation a Water Right" (for Salvage Water);

~~(15)~~ (o) Form No. 606T "Temporary Change Supplement to Application ~~for~~ to Change of Appropriation a Water Right";

~~(16)~~ (p) Form No. 607 "Application for Extension of Time;

~~(17)~~ (q) Form No. 608 "Water Right Transfer Certificate";

~~(18)~~ (r) Form No. 608A "Addendum to Water Right Transfer Certificate Form for Apportioned Water Right";

~~(19)~~ (s) Form No. 611 "Objection to Application";

~~(20)~~ (t) Form No. 612 "Notice and Statement of Opinion";

~~(21)~~ (u) Form No. 613 "Fee Schedule for the Appropriation of Water Water Use in Montana";

~~(22)~~ (v) Form No. 614 "Notice of Temporary Emergency Appropriation";

~~(23)~~ (w) Form No. 615 "Water ~~Conversion~~ Table Use Guidelines";

~~(24)~~ (x) Form No. 616 "Notice of Action on Application for Extension of Time";

~~(25)~~ (y) Form No. 617 "Notice of Completion of Permitted Water Development";

~~(26)~~ (z) Form No. 618 "Notice of Completion of Change of Appropriation Water Right";

~~(27)~~ (aa) Form No. 619 "Cancellation Notice of Certificate of Water Right";

~~(28)~~ (ab) Form No. 620 "Authorization to Change a Appropriation Water Right";

~~(29)~~ (ac) Form No. 621 "~~Notice of~~ Termination Notice of Authorization to Change a Appropriation Water Right";

~~(30)~~ (ad) Form No. 621A "~~Notice of~~ Termination Notice of Permit to Appropriate Water";

~~(31)~~ (ae) Form No. 622 "Revocation Notice of Authorization to Change a Appropriation Water Right";

~~(32)~~ (af) Form No. 624 "Revocation Notice of Permit to Appropriate Water";

~~(33)~~ (ag) Form No. 625 "Water Right Correction ~~to~~ Water Right Record";

~~(34)~~ (ah) Form No. 626 "Application ~~for~~ to Renewal of a Temporary Water Right Change";

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~~(35)~~ (ai) Form No. 627 "Notice of Water Right" (exempt from the adjudication filing requirements);

~~(36)~~ Form No. 628 "Reinstatement of Permit to Appropriate Water"

~~(37)~~ Form No. 629 "Reinstatement of Authorization to Change Appropriation Water Right"

~~(38)~~ (aj) Form No. 630 "Petition to the Board Department of Natural Resources and Conservation for Controlled Groundwater Area";

~~(39)~~ (ak) Form No. 631 "Petition to the Department of Natural Resources and Conservation to Adopt Rules to Reject Permit Applications, or Modify or Condition Permits Issued in a Highly Appropriated Water Basin or Subbasin";

~~(40)~~ (al) Form No. 632 "Certificate of Water Right" (for perfected permits);

~~(41)~~ (am) Form No. 633 "Certificate of Water Right" (for decreed water rights).

Auth: Sec. 85-2-113, MCA

Imp: Sec. 85-2-113, MCA

36.12.103 APPLICATION AND SPECIAL FEES

(1) remains the same

(a) For an Application for Beneficial Water Use Permit, Form No. 600, there shall be a fee of ~~\$100~~ \$200.

(b) For an Interim Permit, there shall be a fee of ~~\$10~~ \$25 in addition to (a) above.

(c) through (d) remain the same

(e) For an Application ~~for~~ to Change of Appropriation a Water Right, Form No. 606, there shall be a fee of ~~\$100~~ \$200, except, when:

(i) the change application concerns a replacement well or reservoir in the same source, ~~or~~

(ii) the change application concerns only moving or adding stock tanks to an existing system, or

~~(iii)~~ (iii) the change application is the result of a recommendation made during verification, there shall be a fee of \$25 in addition to the direct cost of giving notice, if the department determines it must be advertised.

(f) through (g) remain the same

(h) For each Addendum to Water Right Transfer Certificate for Apportioned Water Right, Form No. 608A, there shall be an additional fee of \$50, up to a maximum of \$200.

(i) For filing an Objection to Application, Form No. 611, there shall be a fee of ~~\$50~~ \$25.

(j) For an Application ~~for~~ to Renewal of a Temporary Water Right Change, Form No. 626, there shall be a fee of ~~\$25~~ \$50.

(k) remains the same

(l) For a Petition to the Board Department of Natural Resources and Conservation for Controlled Groundwater Area, Form No. 630, there shall be a fee of ~~\$100~~ \$200 for filing this petition form, plus the petitioner shall also pay reasonable costs of giving notice; holding the hearing, conducting investigations, and making records pursuant to ~~sections~~ 85-2-506 and 85-2-507, MCA, except the cost of

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salaries of the department personnel.

(m) For a Petition to the Department of Natural Resources and Conservation to Adopt Rules to Reject Permit Applications, or Modify or Condition Permits Issued in a Highly Appropriated Water Basin or Subbasin, Form No. 631, there shall be a fee of ~~\$100~~ \$200 for filing this petition form, plus the petitioners shall also pay reasonable costs of giving notice, holding the hearing, conducting investigations, and making records pursuant to ~~section~~ 85-2-319, MCA, except the cost of salaries of the department personnel.

(n) For reinstating a permit or change authorization, there shall be a fee of \$25.

~~(n)~~ (o) For a Correction to Water Right Record, Form No. 625 where the error in an issued permit, authorization, certificate or exempt water right filing caused by an applicant and a new document is issued, there shall be a fee of \$10. No fee shall be charged for correcting errors caused by the department.

(2) through (3) remain the same

Auth: Sec. 85-2-113, MCA Imp: 85-2-113, MCA

3. The Department received a petition requesting that rule 36.12.103(1)(i) be amended. The Department agrees in part with the petitioners request and has set a public hearing to take comments on the proposed amendments. The water right filing fee rule amendments are an attempt to bring the fees closer to the actual direct processing costs. At the same time the Departments' address and current water right form titles are being corrected.

4. Persons with disabilities who need an alternative accessible format of this information, or who require some other reasonable accommodation in order to participate in this public hearing, should contact the Department of Natural Resources and Conservation, Attn: Teresa McLaughlin, PO Box 201601, Helena, MT 59620-1601, telephone no. (406)444-6610.

5. Interested persons may present their data, views, or arguments either orally or in writing at the hearing. Written data, views or arguments may also be submitted to Teresa McLaughlin, Department of Natural Resources and Conservation, PO Box 201601, Helena, MT 59620-1601 and must be received no later than August 23, 1996.

6. Vivian Lighthizer has been designated to preside at and conduct the hearing.

DEPARTMENT OF NATURAL RESOURCES
AND CONSERVATION

BY:

for Donald D. MacIntyre
Arthur R. Clinch, Director

Donald D. MacIntyre
Donald D. MacIntyre, Rule Reviewer

Certified to the Secretary of State July 8, 1996.

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